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C O N F I D E N T I A L SECTION 01 OF 03 ABUJA 002522

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SUBJECT: NIGERIA: FUROR OVER INEC

REF: ABUJA: 1159

CLASSIFIED BY AMBASSADOR HOWARD F. JETER; REASONS 1.5 (B) AND (D).

1. (C) Summary: The Independent National Electoral Commission (INEC) faces serious challenges in its efforts to prepare Nigeria for early 2003 national, state and local elections. Nigerians know these elections are crucial in determining whether their democracy survives and is strengthened or whether it falters and perhaps crumbles. Many people suspect INEC and its taciturn Chairman, Abel Guobadia, are not up to the task. Murmuring about INEC's inability has given way to public grouching and calls for the Chairman and his Commissioners to resign. To be fair, the Presidency's failure to release funds in a timely manner caused many of INEC's problems. However, many INEC wounds were self-inflicted. INEC did not plan voter registration properly or timely, a corruption scandal in the Legal Department now dogs the Commission, and INEC has been on the wrong end of lawsuits over party registration. More importantly, the perception that INEC is not its own agent but takes marching orders from the Presidency is widespread. INEC needs to clean up its act and image quickly for it to play the important role of a neutral, technically competent conductor for these historic elections. End Summary

LACK OF PREPARATION

2. (C) INEC Commissioner Guobadia called on Ambassador Jeter and other Mission officers on August 7. The Commissioner opened the dialogue by defending INEC's independence. However, he admitted that INEC's image had been compromised by its inability to produce a voter register in time for May or August local government elections. Guobadia attributed this lapse to several factors-- the Federal Government's failure to release funds until May 2002, the Local Government Authority (LGA) crisis and consequent court ruling, and the court challenge over new party registration. Guobadia claimed INEC was ready for voters' registration in July, but the registration of new parties and their subsequent lawsuits prevented them from moving ahead. (Comment: Guobadia was correct in stating that the timing for voter registration was dependent on party registration. However, he conveniently forgot a most crucial point. INEC controlled the timing and pace of party registration. Thus, the bottleneck created when the party's were not registered bears INEC's fingerprints because it was caused by INEC's lethargy and lack of having defined the "critical path" for scheduling electoral preparations. End Comment.)

3. (U) Dr. Guobadia cited deficiencies in the voter registration process for 1999 elections as the cause of election irregularities; to prevent a recurrence, a national committee had been established to evaluate the security and integrity of the process. This committee hopes to complete its work by the end of August. According to Guobadia, the registration exercise could begin in September and local elections could be held in early January. (Comment: Again, Guobadia was playing fast with the facts. Previously, he contended INEC was ready for voter registration in July only to state later that the ad hoc committee on voter registration would not complete its work until the end of August. The two assertions are ahrd to reconcile. In reality, the special committee was not formed in order to prevent the repeat of 1999's mistakes; it was established in response to myriad complaints, particularly from Northern political elites and traditional rulers, against the registration plans formulated by Guobadia's INEC. End Comment.)

4. (C) Despite many objections, the Chairman asserted INEC is ready to go to the field for voter registration. Non-delivery of the cameras necessary to produce the official registration card means that a temporary card would be necessary. (NOTE: This method not only opens another door for either fraud or disenfranchisement, but also necessitates at

least two, perhaps three, trips to the registration site before voters would receive their official identifications. This could prove somewhat onerous to the rural poor who might have to walk several miles just to reach the closest site, meaning these bucolic pedestrians would have to traverse such long distances multiple times in back-and-forth round-trips. Based on the threat of boycott and the serious logistical obstacles we suspect that photo registration cards will not be ready ahead of 2003 elections, and may possibly never be produced. End Note.)

CORRUPTION IN INEC

15. (C) INEC is also being rocked by a bribery scandal involving at least three top officials. At the center of the scandal is INEC's National Commissioner for Legal Matters, Mrs. May Obegolu. Obegolu and her son, Emeka, allegedly collected a USDols 162,000 (Naira 21 million) "gratuity" from a legal consortium, KDIO, to facilitate a Naira 124 million contract. KDIO had been contracted by INEC to monitor the execution of INEC's USDols 27 million contract with a South African firm for the supply and computerization of the voters register. The scandal, coming at a time when INEC's ability to perform has already come into severe question, has created a public outcry for Guobadia's resignation and the dissolution of the commission. Ruling out resignation as an option, Guobadia contends that INEC responded to the allegations appropriately, and that the Commission is capable of carrying out its mission.

16. (U) Police authorities, acting on the orders of President Obasanjo, have reportedly detained Mrs. Obegolu, her son, and two other INEC chiefs. In response, Mrs. Obegolu filed a complaint with the Independent Corrupt Practices and Related Offences Commission (CPC) accusing virtually every top INEC member, including Guobadia, of corrupt practices. The ICPC has begun its investigation into this complaint and invited all those accused to appear to defend themselves.

CONTINUING MISTRUST

17. (C) Perhaps the greatest challenge for INEC (and the most difficult to overcome in the public's eyes) is the continual questioning of its intentions. As originally announced, the aborted July registration effort was to be completed in a five-day period. During the August 7 meeting with the Ambassador, the Chairman indicated that the registration period had been extended to 10-14 days. When asked whether resources were available for this longer period, the Chairman firmly asserted that he was "confident the resources would be provided." Additionally, there have been many objections to holding the exercise during the rainy season, which will not end until October. Voters in the South will be affected since the ability to travel is severely hampered during this time. The agrarian North and Middle Belt are affected because farmers are unable to leave their fields during this critical time of harvest. Extending the time period addresses only a small part of these concerns. Some Northern leaders, convinced that the North is being discriminated against by the process, have called for an outright boycott of the registration.

18. (U) Disputes over the method of registration have also arisen. The original plan was to complete a manual registration locally to include the collection of personal data, fingerprints and photographs. This manual record was to be used for local elections, while a computerized record would be compiled from the manual data in time for State and Federal elections. Additionally, complaints over the complexity of the forms are common. Test registrations have been run and even well-educated, politically astute registrants needed 6-8 minutes to complete the form. Opponents to the form claim that the majority of the populace will be overwhelmed by the process, unable to provide accurate information and unwilling to endure what will quickly become a tortuous process. The Arewa Consultative Forum (ACF) has been particularly vocal in its criticism of the registration form, claiming that the complex form will disenfranchise the illiterate. They also fear that the voters register will be used to infer census data, another hot-button issue in the North. Other Nigerians are taking advantage of these issues to call for reforms and have threatened an outright boycott of the registration process. These efforts are usually couched in local terms, but are based on the suspicion that INEC is attempting to manipulate the outcome of elections as well as disadvantage the North.

19. (C) INEC's independence has been strongly questioned, particularly over party registration. It has been accused of supporting the PDP's bid to maintain the status quo by refusing to allow the registration of new parties. Although INEC did finally register three new parties in June, the matter is still not settled. An earlier court ruling in favor of INEC's criteria for party qualification was overturned in an appeal filed by unsuccessful applicants, notably the National Conscience Party. During his meeting with the Ambassador, the Chairman contended INEC had adhered faithfully to the constitutional mandate to ensure "federal character." However, the Appeals Court disagreed that INEC had correctly followed the precepts stated in the constitution and the 2001 Electoral Law. The Chairman indicated that INEC would appeal the ruling to the Supreme Court. Should INEC lose this case the dynamic could again change radically. If upheld by the Supreme Court, the court's decision could result in the registration of many additional parties, perhaps as many as the 33 that originally applied. The advent of new parties would reset the schedule for voters registration, and at the very least, further delay local government elections. The confusion that would result over the configuration of the actual ballot paper and at the polls in general could be substantial.

110. (C) Another danger, which the inability to complete the voter registration exercise might give rise to is using the 1999 register for the 2003 election. Due to the constitutional mandate for a change of government by May 29, 2003, INEC could be pressured into proceeding with the best available alternative: the old list. The resultant disenfranchisement of millions of young voters who reached majority in the interim has a great potential erupt. The youth, who have a well-known propensity to express their dissatisfaction with the Nigerian system through protests and demonstrations, would undoubtedly seize the opportunity presented by this slight to demonstrate their collective displeasure.

111. (U) A final area of contention is over the date of the elections. The National Assembly is lobbying to hold the elections in one day. The hope is that by holding the election in one day, presidential and gubernatorial candidates would be forced to concentrate on their own races instead of trying to influence the National Assembly contests. Notwithstanding the difficulties of the registration process itself, Guobadia continues to resist this option, claiming in this instance that it would create a too-complicated ballot that would disadvantage illiterate voters and that the logistics would be too difficult. He also questioned the legality and constitutionality of this approach, but did not elaborate.

COMMENT

112. (C) INEC has a critical role to play if the 2003 elections are to be credible. First, INEC must be adequately funded and technically competent. It must have the resources to conduct voters registration and the elections. INEC has to be more active in pressuring the Presidency to allot the necessary funding. INEC must also have the ability and the expertise to plan these exercises wisely and then implement those plans. No one expects the elections to be perfect but they must be seen as fair; above all INEC must be seen as impartial.

113. (C) Despite flaws in the 1999 exercise, Nigerians give much higher marks to the Commission established by the Abdulsalam Abubakar military government than to the current edition of INEC. The irony that the military's Electoral Commission and Guobadia's predecessor as Chairman were more proficient, independent and effective has not been lost on most Nigerian politicians. They suspect INEC's perceived indifference and indecision are being orchestrated by the Presidency to maximize Obasanjo's reelection prospects.

114. (C) The current deep suspicion of INEC is unfortunate but still redeemable. The upcoming voter registration exercise will determine whether INEC and its Chairman can

restore their credibility and demonstrate to Nigerians that the elections are not being manipulated and that the task is not too big and complicated for this INEC to handle.

JETER